

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

CLIFFORD F. TUTTLE, JR., et al.

§

Consolidated with

§

JOHN NICHOLAS, et al.

§

Plaintiffs,

§

CASE NO. 4:21-CV-00270

v.

§

CITY OF HOUSTON, et al.

§

Defendants.

§

**DEFENDANT FELIPE GALLEGOS'S NOTICE OF JOINDER OF DEFENDANT CITY
OF HOUSTON'S MOTION TO CONTINUE THE TRIAL DATE [Dkt. 329]**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant Felipe Gallegos files this Notice of Joinder of Defendant City of Houston's Motion to Continue the Trial Date [Dkt. 329] to inform the Court that he joins in the City's motion for continuance of the current trial setting pending a ruling on the pending motions for summary judgment.

Pursuant to Texas Rule of Civil Procedure 10(c), Mr. Gallegos hereby adopts by reference the arguments in the City's motion for continuance [Dkt. 329]. In addition, Mr. Gallegos would respectfully add that he has raised the defense of qualified immunity, and under Fifth Circuit precedent, “[q]ualified immunity questions should be resolved ‘at the earliest possible stage in litigation’” – in this case, under the pending summary judgment motions. *See, e.g. Porter v. Epps*, 659 F.3d 440, 445 (5th Cir. 2011); *see also Mitchell v. Forsyth*, 472 U.S. 511, 530 (1985)

[signatures on following page . . .]

Respectfully submitted,

/s/ Russell Hardin, Jr.

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2024, a true and correct copy of the foregoing and attached documents were delivered to all parties through their counsel(s) of record, in accordance with the Rules, via email and/or certified mail, return receipt requested, to the following:

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